

Dkt. 59131-A-PCT-US/JPW/AJM/HA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Taka-Aki Sato
Serial No.: 10/018,169
Filed : December 7, 2001
For : GENE ENCODING NADE, P75^{NTR}-ASSOCIATED CELL DEATH
EXECUTOR AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
June 24, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box PCT

Sir:

**COMMUNICATION IN RESPONSE TO MARCH 22, 2002 NOTIFICATION OF
MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED ELECTED OFFICE**

This Communication is submitted in response to a March 22, 2002 Notification Of Missing Requirements Under 35 U.S.C. §371 In The United States Designated Elected Office in connection with the above-identified application. A response to the March 22, 2002 Notice was originally due on May 22, 2002. Applicant hereby requests a one-month extension of time from May 22, 2002 to June 22, 2002 for filing a response. The fee for a one-month extension of time for a small entity is \$55.00. A check for \$260.00 is enclosed, which amount includes the \$55.00 extension fee. Since June 22, 2002 falls on a Saturday, a response filed on the next business day, i.e., Monday, June 24, 2002, shall be considered timely. Accordingly, this Communication is being timely filed.

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The Notice, a copy of which is attached hereto as **Exhibit A**, indicates that the oath or declaration is not executed in accordance with either 37 CFR §1.66 or 37 CFR §1.68. In response, applicant annexes hereto as **Exhibit B** a signed Declaration and Power of Attorney. The required surcharge for the Declaration is \$65.00, and the enclosed check for \$260.00 includes this amount.

Sequence Listing

The Notice indicates that the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. §1.821(e). In response to the Notice, applicant respectfully submits that the information contained in the paper copy of the Sequence Listing found in the above-identified application is identical to that contained in the computer readable copy of the Sequence Listing filed in parent application PCT International Application No. PCT/US00/15621, filed 7 June 2000. Moreover, applicant submits as **Exhibit C** a Statement In Accordance With 37 C.F.R. §1.821(f) certifying that the computer readable form and paper copy contain the same information. Therefore, in accordance with 37 C.F.R. 1.821(e), please use the computer readable form filed in PCT International Application No. PCT/US00/15621 as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing was included with the preliminary amendment concurrently filed with the instant application.

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Additional Claim Fees

The Notice indicates that additional claims fees for multiple dependent claims are required. The required surcharge for multiple dependent claims is \$140.00, and the enclosed check for \$260.00 includes this amount.

No fee, other than the enclosed \$260.00 sum, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

07/05/2002 LLANDGRA 00000042 10018169

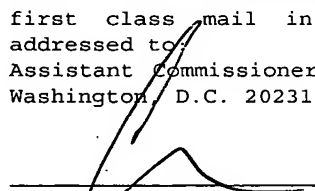
01 FC:254	65.00 OP
02 FC:215	55.00 OP
03 FC:969	140.00 OP

Respectfully submitted,



John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231.


Alan J. Morrison
Reg. No. 37,399

6/24/02
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box 100
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NC 10/018,169 ✓	FIRST NAMED APPLICANT Taka-Aki Sato	ATTY. DOCKET NO. 59131-A PCT-US/IPW/FHE
		INTERNATIONAL APPLICATION NO. PCT/US00/15621
		I.A. FILING DATE 06/07/2000
		PRIORITY DATE 06/07/1999

 John P. White
 Cooper & Dunham
 1185 Avenue of the Americas
 New York, NY 10036

APF

CONFIRMATION NO. 8510

371 FORMALITIES LETTER



OC000000007698499

Date Mailed: 03/22/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

2m. 5.22.02
 3m. 6.22.02
 4m. 7.22.02
 5m. 8.22.02
 6m. 9.22.02
 7m. 10.22.02 AP

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.66.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE

OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- Additional claim fees of **\$140** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$205** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$140**
 - **\$140** for multiple dependant claims surcharge.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 305-3738

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO

10/018,169

INTERNATIONAL APPLICATION NO

PCT/US00/15621

ATTY. DOCKET NO

59131-A PCT-US/IPW/FHB

FORM PCT/DO/EO/905 (371 Formalities Notice)

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June 24, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

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SIR:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §1.821(f)

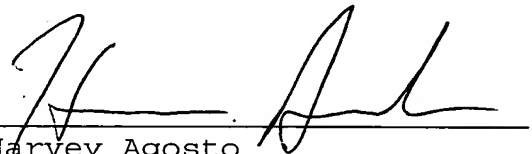
In accordance with 37 C.F.R. §1.821(f), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(e) submitted in PCT International Application No. PCT/US00/15621, filed 7 June 2000, contains the same information as does the written "Sequence Listing" filed on December 7, 2001 as part of the above-identified application, and does not include any new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

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such willful false statements may jeopardized the validity of the application or any patent issued thereon.

Respectfully submitted,



Harvey Agosto
c/o Cooper & Dunham LLP
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(212) 278-0400